

Before the  
COPYRIGHT ROYALTY JUDGES  
LIBRARY OF CONGRESS  
Washington, D.C.

In the Matter of

Digital Performance in Sound Recordings  
and Ephemeral Recordings

Docket No. 2009-1 CRB  
Webcasting III

FEB 04 2009

**PETITION TO PARTICIPATE**

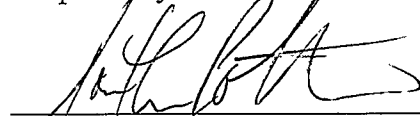
Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and 74 Fed. Reg. 319, January 5, 2009, the Digital Media Association, ("DiMA"), files this petition stating its intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of "eligible nonsubscription transmissions" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

DiMA has a significant interest in the subject matter of this proceeding because it is a trade organization that represents digital media companies, many of which intend to utilize and perform sound recordings under the above-referenced licenses and will therefore be subject to the rates and terms established in this proceeding. As such, DIMA intends to fully participate in the proceeding.

The requisite \$150 filing fee is submitted herewith.

February 4, 2009

Respectfully submitted,



Jonathan Potter  
Executive Director  
DiMA

1029 Vermont Avenue, N.W.

Washington, D.C. 20005

Phone: (202) 639-9509

Facsimile: (202) 639- 9504

e-mail addresses: [jpotter@digmedia.org](mailto:jpotter@digmedia.org), and also, [lkknife@digmendis.org](mailto:lkknife@digmendis.org)

THE DIGITAL MEDIA ASSOCIATION (DIMA)

1029 Vermont Ave., Ste. 850  
Washington, DC 20005

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